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Address of Earl F. Morris, President
American Bar Association

"AMERICAN SOCIETY AND THE REBIRTH
OF CIVIL OBEDIENCE"

Before the Autumn Quarter Commencement,
Ohio State University,
Columbus, Ohio

It is with genuine pleasure that I share in your commencement exercises today. I join with your proud families, the faculty and administration, your fellow students and your friends in extending hearty congratulations and wishing you well as you become graduates of this great university.

You turn next to graduate school, to the military service or to your life's career. You approach these new tasks committed or opposed to certain principles, or perhaps uncertain as to your position. May I suggest a concept that I sincerely hope will be among those which you will recognize, observe and foster: that with the rights which we enjoy as citizens of this nation go correlative responsibilities, and that obedience to law is such a responsibility and an indispensable ingredient of our social order.

In tolerating, and at times even encouraging, certain forms of civil disobedience throughout our history and most

notably in recent years, we have wittingly walked a necessarily fine line between individual liberty and anarchy. We have trod this path because of the belief that the freedom of each person to say and to do what he feels is right is paramount. But recently, on the campus and in the street, in speech and in writing, there are those who have preached open disobedience to law, and even greater numbers have denied certain rights to others, often while proclaiming the very rights which they deny.

In our colleges and universities, academic freedom has always been a cherished and jealously guarded doctrine. Faculties have always claimed the freedom to teach what they desire, and students have demanded the freedom to read and hear what they choose. This is as it should be.

The American tradition of academic freedom has its roots in the philosophy of intellectual freedom, which developed in ancient Greece, flourished in Renaissance Europe, and found

fulfillment in our Bill of Rights. It has been recognized that such freedom is essential in our society because, as the United States Supreme Court has written:

"Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die."

But we must not allow academic freedom to become academic license. Just as Mr. Justice Holmes wrote that freedom of speech does not permit a man falsely to shout "Fire" in a crowded theater, the right to teach and read and hear what one wants does not bear with it the right to ignore the rules completely; and above all, academic freedom must not be used to deny rights to others to which they are equally entitled.

A few months ago, following the appearance by Vice President Humphrey at a student forum, a mob of students stormed his car,

hit the windows and body of the car with their fists, and shouted obscenities. Several of our government leaders have been subjected to this kind of treatment in greater or less degree, including the Secretaries of State and Defense, whose speeches have been interrupted by jeering and heckling; the Chairman of the Joint Chiefs of Staff, who was rushed by a group of students following a talk and had to be protected by police; and Mrs. Johnson, who was greeted at an eastern campus by a thousand picketing, shouting students.

What these students ---- and students like them who have participated in incidents of this type all over the country ---- seem to have forgotten is that, though the techniques of coercion might be effective for the moment, they are self-defeating because they endanger the same individual freedom they are intended to manifest.

While defending the right of students to express their views in an orderly manner, the president of a large eastern university recently said that students are in danger of becoming:

"...so carried away by their conviction about the rightness of their cause and so impatient with civilized procedures that they seek to restrain the freedom of expression or movement of others who may not agree with them".

It has been said, and I think correctly, that the present generation of college and university students are genuinely concerned with human freedom and human rights and I applaud this, but:

-----Were the students who barricaded the Navy recruiter in his car for four hours properly manifesting that concern?

-----Are students who burn the President of the United States in effigy and vilify him and his family truly demonstrating that concern?

-----Are those students - yes, and I may add those faculty members joining with them, who have obstructed interviewers on our campuses because they disapprove of the company's product, furthering the cause of human freedom and human rights or irreparably damaging them?

While I realize that the vast majority of students are undertaking to express their concern with the problems that confront us in a responsible manner, I suggest that the evil which is inherent in the practices of the few must be clearly recognized, and that it must be made clear that they have no place in the academic community or in American society in general.

Of course, this anarchic mood is not limited to the campus. We find a developing philosophy that the end justifies the means --- whether that end is peace in Vietnam or an increase in teachers' salaries or the rights of minorities, and whether those means include throwing plastic bags filled with paint at policemen during a protest at an appearance by Dean Rusk, defying a court injunction, or completely destroying a mayor's office during an open housing demonstration. America was founded on the right of dissent. The right of protest has been jealously protected - and the day must never come when it will be otherwise. But dissent has shifted to resistance, assembly has become trespass, and peaceful negotiation has given way to mob violence, and we threaten to destroy the very fabric of the government that guarantees us our fundamental freedoms.

As I was preparing these remarks, I received a letter from a lawyer in which he commented that William Howard Taft, former President and then Chief Justice of the United States, speaking at graduation exercises at Yale Law School in 1923, said:

"Disregard for law destroys government.

Unless we learn to play the game, some day we may awake to find we have nothing left to play with."

We have heard considerable rationalizing and intellectualizing to justify civil disobedience. We have heard references to "intolerable evils", to "devotion to ethics and morals", and to "obedience to a higher law". And one defender of the concept recently cited Saint Peter, who wrote: "We must obey God rather than men". But after all the rhetoric, after

all the lofty quotations, the fact is that the law is and must be the supreme factor in the orderly working of society, and that order, without which religion, education and civil rights cannot live, can be maintained only by adherence to the law.

It is to a full commitment to the rule of law as a necessary way of life in this country that I call you of the graduating class today. You go forth in due course to the teacher's desk, to the pulpit, to professional offices, to factory and farm, and to become leaders in your communities. As you assume these places of leadership and responsibility, I urge you to lend your efforts to encouraging a willingness on the part of every citizen to take the law into their hearts and not into their hands, to seek their rights in the legislatures and courts and not in the streets.

I have no illusion that civil disobedience or lack of

respect for law will end on the morrow. I am fully aware of how deep-seated are some of the problems at hand. I am aware, too, of the limits of effectiveness of our individual efforts. But each person committed unequivocally to the rule of law, and ready to try to advance it to the extent of his capabilities, is a contributing factor in the struggle to insure that law, not force, will prevail.

It is my sincere hope that each of you will be a part of a revival of respect for the rights of others, of a reawakening of individual responsibility, and of a crusade for the rebirth of civil obedience throughout the length and breadth of this land.

We live, and your generation will increasingly live, in an age which offers so much promise and so much opportunity for fulfillment. We must not sacrifice this promise or this opportunity on the altar of lawlessness but must instead build on the solid rock of respect for law and order.